

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SENATE BILL 1381

AN ACT

AMENDING SECTION 15-241, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-241, Arizona Revised Statutes, is amended to
3 read:

4 15-241. School accountability; schools failing to meet academic
5 standards; failing schools tutoring fund

6 A. The department of education shall compile an annual achievement
7 profile for each public school.

8 B. Each school shall submit to the department any data that is
9 required and requested and that is necessary to compile the achievement
10 profile. A school that fails to submit the information that is necessary is
11 not eligible to receive monies from the classroom site fund established by
12 section 15-977.

13 C. The department shall establish a baseline achievement profile for
14 each school by October 15, 2001. The baseline achievement profile shall be
15 used to determine a standard measurement of acceptable academic progress for
16 each school and a school classification pursuant to subsection G of this
17 section. Any disclosure of educational records compiled by the department of
18 education pursuant to this section shall comply with the family educational
19 and privacy rights act of 1974 (20 United States Code section 1232g).

20 D. The achievement profile for schools that offer instruction in
21 kindergarten programs and grades one through eight, or any combination of
22 those programs or grades, shall include the following school academic
23 performance indicators:

24 1. The Arizona measure of academic progress. The department shall
25 compute the extent of academic progress made by the pupils in each school
26 during the course of each year.

27 2. The Arizona instrument to measure standards test. The department
28 shall compute the percentage of pupils who meet or exceed the standard on the
29 Arizona instrument to measure standards test, as prescribed by the state
30 board of education.

31 E. The achievement profile for schools that offer instruction in
32 grades nine through twelve, or any combination of those grades, shall include
33 the following school academic performance indicators:

34 1. The Arizona instrument to measure standards test. The department
35 shall compute the percentage of pupils pursuant to subsection F of this
36 section who meet or exceed the standard on the Arizona instrument to measure
37 standards test, as prescribed by the state board of education.

38 2. The annual dropout rate.

39 3. The annual graduation rate.

40 F. Subject to final adoption by the state board of education, the
41 department shall determine the criteria for each school classification using
42 a research based methodology. The methodology shall include the performance
43 of pupils at all achievement levels, account for pupil mobility, account for
44 the distribution of pupil achievement at each school and include longitudinal
45 indicators of academic performance. For the purposes of this subsection,

1 "research based methodology" means the systematic and objective application
2 of statistical and quantitative research principles to determine a standard
3 measurement of acceptable academic progress for each school.

4 G. The achievement profile shall be used to determine a school
5 classification that designates each school as one of the following:

- 6 1. An excelling school.
- 7 2. A highly performing school.
- 8 3. A performing school.
- 9 4. An underperforming school.
- 10 5. A school failing to meet academic standards.

11 H. The classification for each school and the criteria used to
12 determine classification pursuant to subsection F of this section shall be
13 included on the school report card prescribed in section 15-746.

14 I. Subject to final adoption by the state board of education, the
15 department of education shall develop a parallel achievement profile for
16 accommodation schools, alternative schools as defined by the state board of
17 education and schools with a student count of fewer than one hundred pupils.

18 J. If a school is designated as an underperforming school, within
19 ninety days after receiving notice of the designation, the governing board
20 shall develop an improvement plan for the school, submit a copy of the plan
21 to the superintendent of public instruction and supervise the implementation
22 of the plan. The plan shall include necessary components as identified by
23 the state board of education. Within thirty days after submitting the
24 improvement plan to the superintendent of public instruction, the governing
25 board shall hold a special public meeting in each school that has been
26 designated as an underperforming school and shall present the respective
27 improvement plans that have been developed for each school. The school
28 district governing board, within thirty days of receiving notice of the
29 designation, shall provide written notification of the classification to each
30 residence within the attendance area of the school. The notice shall explain
31 the improvement plan process and provide information regarding the public
32 meeting required by this subsection.

33 K. A school that has not submitted an improvement plan pursuant to
34 subsection J of this section is not eligible to receive monies from the
35 classroom site fund established by section 15-977 for every day that a plan
36 has not been received by the superintendent of public instruction within the
37 time specified in subsection J of this section plus an additional ninety
38 days. The state board of education shall require the superintendent of the
39 school district to testify before the board and explain the reasons that an
40 improvement plan for that school has not been submitted.

41 L. If a charter school is designated as an underperforming school,
42 within thirty days the school shall notify the parents of the students
43 attending the school of the classification. The notice shall explain the
44 improvement plan process and provide information regarding the public meeting
45 required by this subsection. Within ninety days of receiving the

1 classification, the charter holder shall present an improvement plan to the
2 charter sponsor at a public meeting and submit a copy of the plan to the
3 superintendent of public instruction. The improvement plan shall include
4 necessary components as identified by the state board of education. For
5 every day that an improvement plan is not received by the superintendent of
6 public instruction, the school is not eligible to receive monies from the
7 classroom site fund established by section 15-977 for ninety days plus every
8 day that a plan is not received. The charter holder shall appear before the
9 sponsoring board and explain why the improvement plan has not been submitted.

10 M. The department of education shall establish an appeals process, to
11 be approved by the state board of education, for a school to appeal data used
12 to determine the achievement profile of the school. The criteria established
13 shall be based on mitigating factors and may include a visit to the school
14 site by the department of education.

15 N. If a school remains classified as an underperforming school for a
16 third consecutive year, the department of education shall visit the school
17 site to confirm the classification data and to review the implementation of
18 the school's improvement plan. The school shall be classified as failing to
19 meet academic standards unless an alternate classification is made after an
20 appeal pursuant to subsection M of this section.

21 O. The school district governing board, within thirty days of
22 receiving notice of the school failing to meet academic standards
23 classification, shall provide written notification of the classification to
24 each residence in the attendance area of the school. The notice shall
25 explain the improvement plan process and provide information regarding the
26 public meeting required by subsection R of this section.

27 P. The superintendent of public instruction, based on need, shall
28 assign a solutions team to an underperforming school, ~~or~~ a school failing to
29 meet academic standards **OR ANY OTHER SCHOOL PURSUANT TO A MUTUAL AGREEMENT**
30 **BETWEEN THE DEPARTMENT OF EDUCATION AND THE SCHOOL** comprised of master
31 teachers, fiscal analysts and curriculum assessment experts who are certified
32 by the state board of education as Arizona academic standards technicians.
33 The department of education may hire or contract with administrators,
34 principals and teachers who have demonstrated experience with the
35 characteristics and situations in an underperforming school or a school
36 failing to meet academic standards and may use these personnel as part of the
37 solutions team. The team shall work with staff at the school to assist in
38 curricula alignment and shall instruct teachers on how to increase pupil
39 academic progress, considering the school's achievement profile. The team
40 shall select two master teachers to be employed by the school. The solutions
41 team shall consider the existing improvement plan to assess the need for
42 changes to curriculum, professional development and resource allocation.

43 Q. The parent or the guardian of the pupil may apply to the department
44 of education, in a manner determined by the department of education, for a
45 certificate of supplemental instruction from the failing schools tutoring

1 fund established by this section. Pupils attending a school designated as an
2 underperforming school or a school failing to meet academic standards or a
3 pupil who has failed to pass one or more portions of the Arizona instrument
4 to measure standards test **IN GRADES EIGHT THROUGH TWELVE** in order to graduate
5 from high school may select an alternative tutoring program in academic
6 standards from a provider that is certified by the state board of education.
7 To qualify, the provider must **guarantee STATE** in writing a **stated** level of
8 academic improvement for the pupil that includes a timeline for improvement
9 that is agreed to by the parent or guardian of the pupil ~~and the provider~~
10 ~~shall agree to refund to the state the standards assistance grant monies if~~
11 ~~the guaranteed level of academic improvement is not met.~~ **THE STATE BOARD OF**
12 **EDUCATION SHALL ANNUALLY REVIEW ACADEMIC PERFORMANCE LEVELS FOR PROVIDERS**
13 **CERTIFIED PURSUANT TO THIS SUBSECTION AND SHALL REMOVE A PROVIDER AT A PUBLIC**
14 **HEARING FROM AN APPROVED LIST OF PROVIDERS IF THAT PROVIDER FAILS TO MEET ITS**
15 **STATED LEVEL OF ACADEMIC IMPROVEMENT.** The state board of education shall
16 determine the application guidelines and the maximum value for each
17 certificate of supplemental instruction. The state board of education shall
18 annually complete a market survey in order to determine the maximum value for
19 each certificate of supplemental instruction. Nothing in this subsection
20 shall be construed to require the state to provide additional monies beyond
21 the monies provided pursuant to section 42-5029, subsection E, paragraph 7.

22 R. Within sixty days of receiving notification of designation as a
23 school failing to meet academic standards, the school district governing
24 board shall evaluate needed changes to the existing improvement plan for the
25 school, consider recommendations from the solutions team, submit a copy of
26 the plan to the superintendent of public instruction and supervise the
27 implementation of the plan. Within thirty days after submitting the
28 improvement plan to the superintendent of public instruction, the governing
29 board shall hold a public meeting in each school that has been designated as
30 a school failing to meet academic standards and shall present the respective
31 improvement plans that have been developed for each school.

32 S. A school that has not submitted an improvement plan pursuant to
33 subsection R of this section is not eligible to receive monies from the
34 classroom site fund established by section 15-977 for every day that a plan
35 has not been received by the superintendent of public instruction within the
36 time specified in subsection R of this section plus an additional ninety
37 days. The state board of education shall require the superintendent of the
38 school district to testify before the board and explain the reasons that an
39 improvement plan for that school has not been submitted.

40 T. If a charter school is designated as a school failing to meet
41 academic standards, the department of education shall immediately notify the
42 charter school's sponsor. The charter school's sponsor shall either take
43 action to restore the charter school to acceptable performance or revoke the
44 charter school's charter. Within thirty days the school shall notify the

1 parents of the students attending the school of the classification and of any
2 pending public meetings to review the issue.

3 U. A school that has been designated as a school failing to meet
4 academic standards shall be evaluated by the department of education to
5 determine if the school failed to properly implement its school improvement
6 plan, the alignment of the curriculum with academic standards, teacher
7 training, budget prioritization or other proven strategies to improve
8 academic performance. After visiting the school site pursuant to subsection
9 N of this section, the department of education shall submit to the state
10 board of education a recommendation to proceed pursuant to subsections P, Q
11 and R of this section or that the school be subject to a public hearing to
12 determine if the school failed to properly implement its improvement plan and
13 the reasons for the department's recommendation.

14 V. If the department does recommend a public hearing, the state board
15 of education shall meet and may provide by a majority vote at the public
16 hearing for the continued operation of the school as allowed by this
17 subsection. The state board of education shall determine whether
18 governmental, nonprofit and private organizations may submit applications to
19 the state board to fully or partially manage the school. The state board's
20 determination shall include:

21 1. If and to what extent the local governing board may participate in
22 the operation of the school including personnel matters.

23 2. If and to what extent the state board of education shall
24 participate in the operation of the school.

25 3. Resource allocation pursuant to subsection X of this section.

26 4. Provisions for the development and submittal of a school
27 improvement plan to be presented in a public meeting at the school.

28 5. A suggested time frame for the alternative operation of the school.

29 W. The state board shall periodically review the status of a school
30 that is operated by an organization other than the school district governing
31 board to determine whether the operation of the school should be returned to
32 the school district governing board. Before the state board makes a
33 determination, the state board or its designee shall meet with the school
34 district governing board or its designee to determine the time frame,
35 operational considerations and the appropriate continuation of existing
36 improvements that are necessary to assure a smooth transition of authority
37 from the other organization back to the school district governing board.

38 X. If an alternative operation plan is provided pursuant to subsection
39 V of this section, the state board of education shall pay for the operation
40 of the school and shall adjust the school district's student count pursuant
41 to section 15-902, soft capital allocation pursuant to section 15-962,
42 capital outlay revenue limit pursuant to section 15-961, base support level
43 pursuant to section 15-943, monies distributed from the classroom site fund
44 established ~~+~~ BY section 15-977 and transportation support level pursuant to
45 section 15-945 to accurately reflect any reduction in district services that

1 are no longer provided to that school by the district. The state board of
2 education may modify the school district's revenue control limit, the
3 district support level and the general budget limit calculated pursuant to
4 section 15-947 by an amount that corresponds to this reduction in services.
5 The state board of education shall retain the portion of state aid that would
6 otherwise be due the school district for the school and shall distribute that
7 portion of state aid directly to the organization that contracts with the
8 state board of education to operate the school.

9 Y. If the state board of education determines that a charter school
10 failed to properly implement its improvement plan, the sponsor of the charter
11 school shall revoke the charter school's charter.

12 Z. If there are more than two schools in a district and more than
13 one-half, or in any case more than five, of the schools in the district are
14 designated as schools failing to meet academic standards for more than two
15 consecutive years, in the next election of members of the governing board the
16 election ballot shall contain the following statement immediately above the
17 listing of governing board candidates:

18 Within the last five years, (number of schools) schools in the
19 _____ school district have been designated as "schools
20 failing to meet academic standards" by the superintendent of
21 public instruction.

22 AA. At least twice each year the department of education shall publish
23 in a newspaper of general circulation in each county of this state a list of
24 schools that are designated as schools failing to meet academic standards.

25 BB. The failing schools tutoring fund is established consisting of
26 monies collected pursuant to section 42-5029, subsection E as designated for
27 this purpose. The department of education shall administer the fund.

28 Sec. 2. Emergency

29 This act is an emergency measure that is necessary to preserve the
30 public peace, health or safety and is operative immediately as provided by
31 law.